

REMARKS/ARGUMENTS

Applicants wish to thank the Examiner for the thorough consideration given the present application. Claims 1-19 are pending in the present application. Claim 1 is amended. Claims 2-19 are new. Claims 1 and 12 are independent claims.

In view of the amendments and the following remarks, the Examiner is respectfully requested to reconsider the outstanding rejection.

Drawings

The Official Draftsperson has not approved the Formal Drawings submitted by the Applicants. Furthermore, the Examiner has not indicated whether these drawings have been accepted for examination purposes. It is respectfully submitted that the Formal Drawings comply with the requirements of the USPTO. If the drawings are objected to for any reason, it is respectfully requested that the undersigned be contacted as soon as possible so that the appropriate action may be taken.

Rejection Under 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,249,510 to Thompson (hereinafter Thompson). This rejection, insofar as it pertains to presently pending claim 1, is respectfully traversed.

As amended, independent claim 1 now recites that the wavelength range, which includes the first and second sets of wavelengths, also includes an unassigned portion for providing isolation between the working and protection wavelength capacities of the first and second fibers. Applicants respectfully submit that Thompson fails to disclose this feature.

Applicants respectfully submit that Thompson actually teaches away from the aforementioned feature. In connection with a ring network containing 48 wavelength channels, Thompson specifically discloses reserving channels 1-24 as both the service channels in a first fiber and as the protection channels in the second fiber, while channels 25-48 are reserved as both the protection channels in the first fiber and the service channels in the second fiber. See column Thompson, column 2: lines 4-10.

Thompson further discloses an alternative embodiment where the odd-numbered channels are reserved as the service channels

and protection channels in the first and second fibers, respectively, while the even-numbered channels are reserved as the protection channels and the service channels in the first and second fibers, respectively. In both of these embodiments, there is no range of wavelength set aside to provide isolation between this service and protection channels in any of the fibers.

In the above alternative embodiments, Thompson teaches the use of adjacent channels as service and protection channels, respectively. Thus, Thompson fails to disclose using an unassigned portion of the wavelength range to provide isolation between the working and protection wavelength capacities of first and second fibers, as required by independent claim 1.

Applicants respectfully submit that claim 1 is now in condition for allowance at least for the reasons set forth above. As such, the Examiner is respectfully requested to reconsider withdraw this rejection.

New Claims

Applicants respectfully submit that claims 2-11 are allowable at least by virtue of their dependency on an allowable claim (i.e., claim 1).

New independent claim 12 recites a combination of features that are also believed to be patentable. Also, it is respectfully submitted that claims 13-19 are allowable at least by virtue of their dependency on claim 12.

Conclusion

The Examiner is respectfully requested to reconsider and withdraw the claim rejections in view of the above amendments and remarks.

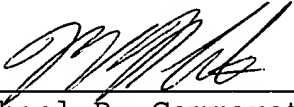
Should the Examiner believe that any outstanding matters remain in the pending application, the Examiner is requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to conduct an interview in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Michael R. Cammarata, #39,491

MRC/JWR/kpc

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000